



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation Number: 6969

Piero DEL SOLDATO et al.

Group Art Unit: 1621

Application Number: 10/522,986

Examiner: Lao, Marialouisa

Filed: September 13, 2006

Attorney Docket No.: 026220-00061

For: PROCESS FOR PREPARING NITROXYALKYL SUBSTITUTED ESTERS OF CARBOXYLIC ACIDS, INTERMEDIATES USEFUL IN SAID PROCESS AND PREPARATION THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT

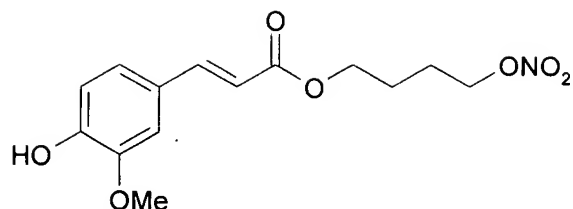
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 6, 2007

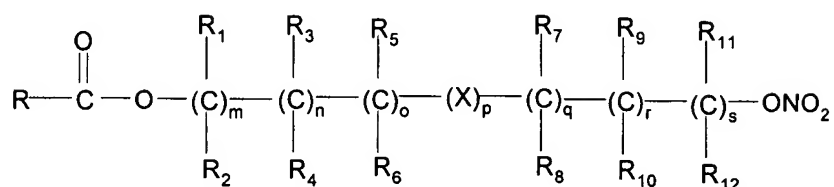
Sir:

This paper is filed in response to the Restriction Requirement dated June 19, 2007, in connection with the above-identified patent application. The period for response is extended one (1) month, from July 19, 2007 to August 19, 2007, by the attached one-month Petition for Extension of Time.

In response to the Restriction Requirement, Applicants hereby provisionally elect Group I (claims 1-10), drawn to a process for preparing a compound of general formula (A) and the compound (E)-3-(4-hydroxy-3-methoxyphenyl)-2-propenoic acid 4-nitroxybutyl ester of Example 2B on pages 16-17 of the specification, with traverse. The elected compound (E)-3-(4-hydroxy-3-methoxyphenyl)-2-propenoic acid 4-nitrooxybutyl ester:



in disclosed in formula (A):



(A)

where R is the ferulic acid radical of formula (XXXII) and R' is H, m, n, q, and r are 1, o and s are 0, p is 0, and R₁-R₄ and R₇-R₁₀ are H. Claims 1 and 3-10 read on the elected compound. The Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter.

In particular, Applicants traverse the restriction requirement between Group I (claims 1-10) and Groups III (claim 22). As noted above, Group I is directed to a process for preparing compounds of formula (A) by reacting a compound of formula (B) with a compound of formula (C). As such, a compound of formula (C) of Group III is necessary to prepare the compound of formula (A) as in the process of Group I.

In view of the Applicant's above elections, the Applicants respectfully submit that the Restriction Requirement has been satisfied. Accordingly, the Applicants respectfully request examination of the claims on the merits.

In the event this paper is not considered to be timely filed, Applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, referring to Attorney Docket No. 026220-00061. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, referencing Attorney Docket No. 026220-00061.

Respectfully submitted,



Amy E.L. Schoenhard
Registration Number 46,512

Customer Number 004372
ARENT FOX LLP
1050 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-857-6395

Enclosure: Petition for Extension of Time (one month)